IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 11617 of 2004

Between:

M/s. Sri Srinivasa Pharma Distributors, Kamreddy, Nizamabad District,
rep by its Partner, Mr. R. Ashok

..... PETITIONER

AND

1 The Commercial Tax Officer, Kamareddy, Nizamabad District.
2 The Appellate Deputy Commissioner (CT),
Secunderabad Division, Hyderabad.
3 The Additional Commercial (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ of Certiorari or any other appropriate writ or order or direction to quash the order of the 3rd Respondent in CCT's Ref.LIII(1)/2045/2003 dated 18-12-2003 refusing to grant stay of collection disputed tax pending appeal and restrain the 1st Respondent from collecting the balance disputed tax of Rs. 2,00,198/- for the assessment year 2002-2003 (Provisional) pending disposal of the appeal (T.A.No. 676/2004) before the sales Tax Appellate Tribunal.

For the Petitioner:MR.S.DWARAKANATH, Advocate.

For the Respondent No.: GP FOR COMMERCIAL TAXES

The Court Made the Following :

-

-

-

-

ORDER : (Per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

Pending appeal before the Tribunal, the petitioner moved an application for stay before the Additional Commissioner, who dismissed it on 18.12.2003. It is submitted by the petitioner that the total disputed liability was Rs.6,89,369/-. After his stay application was dismissed, he has deposited some amount and he also deposited some amount at the time of filing of appeal. In all he has deposited Rs.4,89,171/- in total and now the disputed balance is only Rs.2,00,198/-.

Since according to the petitioner he has paid almost 75% of the disputed amount after his stay was rejected, we feel it appropriate to grant stay till the appeal is disposed of. There shall be stay of recovery till the appeal is disposed of, provided the petitioner has deposited Rs.4,89,171/- towards the liability.

Writ Petition is accordingly disposed of. No costs.

_____

(Bilal Nazki, J)

8th July, 2004.

_____

(P.S.NARAYANA, J)

ajr.

To

1 The Commercial Tax Officer, Kamareddy, Nizamabad District.
2 The Appellate Deputy Commissioner (CT), Secunderabad Division, Hyderabad.
3 The Additional Commercial (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.

4 Two C.Cs. to the Government Pleader for Commercial Taxes,

High Court Buildings, Hyderabad (O.U.T).

5 Two C.D. copies.